

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AUMINTRIUS DAMOUR GUNN,
Plaintiff,
v.
STANTON CORRECTIONAL
FACILITY, *et al.*,
Defendants.

Case No. 2:21-cv-00365-JDP (PC)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH COURT ORDERS, AND
FAILURE TO STATE A CLAIM
OBJECTIONS DUE WITHIN FOURTEEN
DAYS

On April 16, 2021, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 10. I notified plaintiff that the complaint failed to state a claim and granted him sixty days to either file an amended complaint or notify the court that he wished to stand by his original complaint. *Id.* I also warned plaintiff that failure to comply with that order could result in dismissal of this action. *Id.* at 3. Plaintiff was subsequently granted an extension until July 30, 2021, to file his amended complaint. ECF No. 13. Despite that extension, plaintiff has not filed an amended complaint, nor has he notified the court that he wishes to stand by his original complaint.¹

¹ Although it appears from the file that plaintiff's copy of the June 30, 2021 order granting him an extension of time was returned, plaintiff was properly served. It is the plaintiff's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 Accordingly, it is hereby ORDERED that the Clerk of Court shall randomly assign a
2 United States District Judge to this case.

3 Further, it is RECOMMENDED that:

4 1. This action be dismissed for failure to prosecute, failure to comply with court orders,
5 and failure to state a claim for the reasons set forth in the April 16, 2021 order. *See* ECF No. 10.
6 2. The Clerk of Court be directed to close the case.

7 These findings and recommendations are submitted to the United States District Judge
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
9 after being served with these findings and recommendations, any party may file written
10 objections with the court and serve a copy on all parties. Such a document should be captioned
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the
12 objections shall be served and filed within fourteen days after service of the objections. The
13 parties are advised that failure to file objections within the specified time may waive the right to
14 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
15 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

16
17 IT IS SO ORDERED.

18 Dated: September 17, 2021


19 JEREMY D. PETERSON
20 UNITED STATES MAGISTRATE JUDGE

21
22
23
24
25
26
27
28